

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

SILVESTER HAYES,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. 3:23cv2271-S
	§	
CITY OF DALLAS, et al.,	§	
	§	
Defendants.	§	

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**DEFENDANTS' MOTION TO EXTEND TIME  
TO RESPOND TO PLAINTIFF'S AMENDED COMPLAINT**

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TO THE HONORABLE COURT:

Defendants Holly Harris, Walter Guab, and the City of Dallas file this Motion to Extend Time to Respond to Plaintiff's Amended Complaint (Dkt. No. 27) to extend Defendants' deadline to answer or otherwise plead from March 18, 2024, to April 1, 2024. In support of their motion, Defendants state as follows:

Rule 6(b)(1)(A) of the Federal Rules of Civil Procedure controls extensions of time to file papers before the time has expired:

**(b) Extending Time.**

**(1) *In General.*** When an act may or must be done within a specified time, the court may, for good cause, extend the time:

**(A)** with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires[.]

Here, good cause exists to grant the requested extension. Defense counsel's ability to prepare Defendants' response has been impaired because she has been out of the office for her son's activities over spring break and with his travel baseball team. Furthermore, Plaintiff's

amended complaint is much longer than his original complaint and the two weeks allotted by rule for Defendants to respond is not enough time to prepare and obtain internal review of Defendants' renewed motions to dismiss and for summary judgment. The requested extension would promote judicial efficiency by allowing Defendants to present their best arguments in a clear and convincing manner. Defendants do not file this motion to delay these proceedings but to ensure justice. Accordingly, good cause exists to grant Defendants' request for an extension to April 1, 2024, to file responsive motions under Rule 12 of the Federal Rules of Civil Procedure.

WHEREFORE, Defendants Holley Harris, Walter Guab, and the City of Dallas respectfully ask the Court to grant this motion and enter an order extending the deadline for their response to Plaintiff's Amended Complaint to April 1, 2024, and award any further relief consistent with this motion that the Court deems necessary and just.

Respectfully submitted,

CITY ATTORNEY OF THE CITY OF DALLAS

Tammy L. Palomino  
City Attorney

s/ Lindsay Wilson Gowin  
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*Attorneys for Defendant City of Dallas, Walter  
Guab, and Holly Harris*

### **CERTIFICATE OF CONFERENCE**

I certify that on March 18, 2024, I attempted to confer via email with Plaintiff's counsel Mark Robinius regarding this motion and the requested relief. I did not receive a response prior to filing this motion. In the event Mr. Robinius responds before the Court rules upon this motion, I will file an updated certificate of conference reflecting Plaintiff's position on the requested relief.

/s/ Lindsay Wilson Gowin  
Senior Assistant City Attorney

### **CERTIFICATE OF SERVICE**

I certify that on March 18, 2024, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to all attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Lindsay Wilson Gowin  
Senior Assistant City Attorney